

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
YOEL WEISSHAUS,

Plaintiff,

— against —

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.
-----X

Index No.: 11 CIV 6616 (DAB)

**NOTICE TO *PRO SE* LITIGANT
WHO OPPOSED A RULE 12
MOTION SUPPORTED BY
MATTERS OUTSIDE THE
PLEADINGS**

PLEASE TAKE NOTICE, the defendant, The Port Authority of New York and New Jersey (the “Port Authority”), by its undersigned counsel has moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and has submitted additional written materials. This means that the defendant has asked the Court to decide this case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached hereto as Exhibit A.

In short, Rule 56 provides that you may NOT oppose the defendant’s motion simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial.

You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion.

If you do not respond to the motion on time with affidavits and/or documents contradicting the facts asserted by the defendant, the Court may accept defendant's facts as true.


Your case may be dismissed and judgment may be entered in defendant's favor without a trial.

If you have any questions, you may direct them to the Pro Se Office.

Dated: New York, New York
September 7, 2018

Yours etc.

The Port Authority Law Department
Attorney for Defendant
The Port Authority of New York and New
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